

IN THE UNITED STATE DISTRICT COURT
FOR THE EASTERN DIVISION OF MICHIGAN
SOUTHERN DIVISION

Select Specialty Hospital- Macomb,
Inc.,

Plaintiff,

vs.

Case No. 2:07-cv-13880
Hon. George Caram Steeh
Magistrate R. Steven Whalen

Flex-N-Gate Health and Welfare
Plan, and Flex-N-Gate Inc.,

Protective Order

Defendants,

AND

Flex-N-Gate Health and Welfare
Plan, and Flex-N-Gate Corporation,

Third-Party Plaintiffs,

v.

Blue Cross Blue Shield of Illinois,

Third-Party Defendant

**PROTECTIVE ORDER GOVERNING
RELEASE OF PERSONAL, PRIVATE, CONFIDENTIAL AND/OR PROTECTED
HEALTH INFORMATION**

Upon Defendants' Motion for a Protective Order and this Court being fully advised in the premises, this Court finds that a Protective Order regarding personal, private, confidential, and/or protected health information should be entered in this matter, and accordingly,

IT IS ORDERED THAT:

1. This Protective Order is hereby entered in this matter and governs certain documents to be produced and information exchanged by the parties, Defendants Flex-N-Gate Health & Welfare Plan ("Plan") and Flex-N-Gate Corporation ("Flex") (collectively referred to

as “Defendants”) and Plaintiff Select Specialty Hospital-Macomb, Inc. (“Select”) and Third-Party Defendant Blue Cross Blue Shield of Illinois (“BCBSI”) (collectively referred to as “Parties”), for the reason that such documents and information may contain personal, private, confidential, and/or protected health information as defined herein.

2. The term “confidential” refers to any document, and any information, which relates to personal, private, non-public or personal health information regarding the patient who is the subject matter of this lawsuit. The term “personal health information” includes all information covered by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

3. All information, in whatever form, discovered from examination of confidential documents or documents containing confidential information, and all information derived from a review of those confidential documents, shall be used only for or in connection with the proceedings, *Select Specialty Hospital-Macomb, Inc. v. Flex-N-Gate Health & Welfare Plan and Flex-N-Gate Corporation v. Blue Cross Blue Shield of Illinois*, Case No. 07-CV-13880 (“Proceedings”), and shall not be used for any other purpose whatsoever.

4. Any document or information that a party intends to be covered by this Order will be identified by a marking stating: “Confidential.” All information designated as “confidential” shall be subject to the provisions of this Stipulated Order.

5. Either party may subsequently designate any document produced by another party as “confidential” upon notice to the producing party.

6. Counsel for a party to this action may disclose confidential documents and information to a party, experts and witnesses in connection with this proceeding or the

Proceedings, provided that such party, expert or witness expressly has read and agrees to abide by the provisions of this Order.

7. Any person subject to this Order shall not disclose, by any means whatsoever, any portion of any confidential document or information or any notes derived or arising therefrom until the person to whom disclosure is to be made has read this Order in its entirety and has agreed to abide by the terms of this Order.

8. Documents produced by the Parties pursuant to this Order may be disseminated to the Court and its representatives or staff in connection with any motions and other submissions to this Court presiding over the Proceedings.

9. All confidential documents shall retain that designation and shall remain subject to this Order until such time, if ever, as the Court renders a decision that any challenged documents shall not be covered by the terms of the Order.

10. At the conclusion of this action and the Proceedings, the Parties and their counsel shall destroy all confidential documents and information, including any summaries or extracts of such documents or information.

IT IS FURTHER ORDERED THAT

Blue Cross Blue Shield of Illinois release to Plaintiff and Defendants all documents related to the subject matter of this lawsuit pursuant to the terms of this Protective Order.

IT IS SO ORDERED THIS 5th DAY OF MAY, 2008

s/George Caram Steeh
Hon. George Caram Steeh
United States District Judge